

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Delaware

United States of America

v.

Ruben Harper

Case No.

18 - 143M

Defendant(s)

REDACTED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 15, 2018 in the county of New Castle in the
 District of Delaware, the defendant(s) violated:

Code Section

Offense Description

1. 21 U.S.C. §841(a)(1), (b)(1)(B),

1. Possession within intent to distribute 28 grams or more of crack cocaine, a schedule II controlled substance.

This criminal complaint is based on these facts:

See the attached Affidavit.

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 CLERK U.S. DISTRICT COURT
 DISTRICT OF DELAWARE

☒ Continued on the attached sheet.

M/H *143*

Complainant's signature

Mark Hogate, TFO, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/03/2018

[Signature]

Judge's signature

City and state: Wilmington, Delaware

Hon. Mary Pat Thyng, Chief U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR A CRIMINAL COMPLAINT &
ARREST WARRANT FOR RUBEN HARPER**

I, Mark Hogate, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. Since April of 2018, your affiant has been investigating Ruben HARPER (“HARPER”) for the distribution of controlled substances, particularly heroin and cocaine. Pursuant to a search warrant, law enforcement seized approximately 506 grams of cocaine, 129 grams of crack cocaine, 54.2 grams of heroin, and 734 grams of marijuana, from two residences attributable to HARPER.

AFFIANT BACKGROUND

2. Your Affiant, Mark Hogate, is an “investigative or law enforcement officer of the United States” within the meaning of Section 2401(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

3. Your affiant is a duly sworn police officer with the Delaware State Police and has been employed in this capacity since March 2006. Your Affiant is currently assigned to the FBI Safe Streets Violent Crimes Task (SSVTF), as a Task Force Officer (TFO). Prior to, this Affiant was assigned as a Detective in the Delaware State Police Trooper 2 Governor’s Task Force.

4. Your Affiant has actively participated in investigations of criminal activity, including but not limited to the investigation of drug trafficking. During these investigations, I have also participated in the execution of search warrants and the seizure of evidence indicating drug trafficking activities. As a Detective with the Delaware State Police, your Affiant has

personally conducted, supervised, and participated in investigations which have resulted in the arrest and convictions of numerous individuals responsible for trafficking narcotics and committing violent crimes.

5. Based on my training and experience, your Affiant is familiar with the means and methods that narcotics traffickers use to import and distribute illicit drugs. Your Affiant is acquainted with the support and assistance that narcotics organizations require to conduct their illegal activities. Your Affiant has become knowledgeable about the criminal statutes of the United States, particularly in the area of the criminal laws relating to violations of the federal narcotics, firearms, and conspiracy statutes.

6. The facts in this affidavit come from this Affiant's personal observations, training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that sufficient probable cause for a criminal complaint and does not set forth all of my knowledge about this matter.

7. Based on the facts set forth in this affidavit, there is probable cause to believe that Harper committed violations of Title 21, United States Code, Sections 841(a)(1), (b)(1)(B)—possession with the intent to distribute 28 grams or more of crack cocaine.

DETAILS OF INVESTIGATION

8. This investigation began after law enforcement received information that identified HARPER distributes controlled substances, including cocaine and heroin, in Wilmington, Delaware. During this investigation, law enforcement interviewed confidential informants, reviewed prior arrest records, conducted controlled purchases of cocaine, performed surveillance,

analyzed telephone records, and utilized electronic surveillance devices to show that HARPER was responsible for distributing cocaine and heroin.

9. On May 15, 2018, search warrants, approved by the Honorable Abigail Legrow from the Delaware Superior Court, were executed at _____, and _____.

_____ the following drugs were seized: 506 grams of cocaine, 16.9 grams of packaged heroin (2,408 bags), 19 grams of marijuana, and \$16,546.00.

_____ the following drugs were seized: 129 grams of crack cocaine (cocaine base), 37.3 grams of packaged heroin (5,330 bags), 734 grams of marijuana. The total amount of drugs seized was 506 grams of cocaine, 54.2 grams of packaged heroin, 129 grams of crack cocaine, 753 grams of marijuana, and \$16,546.00.

10. Also on May 15, 2018, HARPER was arrested and transported to Delaware State Police Troop 2. There HARPER was mirandized and interviewed on video. During the course of the interview, HARPER admitted that all of the drugs in both residences were his. HARPER further admitted that he intended to sell all of the drugs that were located during the search of the two residences.

CONCLUSION

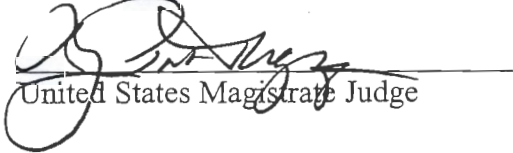
11. For all the reasons detailed above, your affiant requests that this court issue a criminal complaint for HARPER, as there is probable cause to believe that he possessed 28 grams or more of crack cocaine with intent to distribute it.

Respectfully submitted,



Mark Hogate
Task Force Officer
Federal Bureau of Investigation (FBI)

Sworn and subscribed before me
This 3rd day of August, 2018


United States Magistrate Judge